

## REMARKS

Claims 1-4 are active. The Information Disclosure Statement is objected to wherein the cited references including foreign language documents, English language NPL (Non-patent literature) and pending US patent applications have not been considered. Claims 1 and 2 are rejected under 35 USC 112, 2<sup>nd</sup> paragr. Claims 1 and 2 are rejected under 35 USC 102 as anticipated by, or in the alternative, under 35 USC 103 as being obvious over Childers '263 or in the alternative, as anticipated by, or in the alternative, under 35 USC 103 as being obvious over Tanaka '244. Claims 3 and 4 are rejected under 35 USC 103 as being unpatentable over either '263 or '244 in view of Maggioni '995 or Ganesan '099

### The Information Disclosure Statement (IDS)

Applicants traverse the disregarding of their IDS as contrary to the USPTO policy, which is contrary to MPEP and is arbitrary and improper. Under 35 USC 1.56 applicants have a duty to disclose material to the PTO which they believe may be material to the claims in issue. Applicants' undersigned attorney called the Examiner's supervisor Mr. Gandhi about this matter. He advised that this matter be discussed in the instant response. Applicants filed a Notice of Incomplete Action and Request to withdraw the above-noted Office Action as being incomplete due to the failure of the Examiner to properly consider the cited references. The supervisor Mr. Gandhi advised that the Action would not be withdrawn as requested.

The Examiner is respectfully requested to review that Notice to Withdraw the instant Office Action for a detailed explanation as why the Action is in error and contrary to the PTO policy. As set forth in the MPEP it is not necessary the applicant

consider the references material, only that someone else might so deem the references. Further, copending applications cited by serial no. were also not considered. This is expressly contrary to the rules and the MPEP which states that relevant copending applications should be cited. The NPL docs were also not considered. The Examiner is without authority for ignoring those references which plainly are in the English language. The foreign language docs were cited as being relevant on the basis they were cited in foreign counterparts of the copending applications. This is a citation of their relevancy. This relevancy is based on the fact that the cited copending applications all disclose and claim subject matter related to organic electronic devices, the methods of making and related subject matter. In addition they are all commonly owned and have common inventors in many of the cases. This is believed sufficient to submit these materials in an IDS.

The Action cites certain cases as authority for its position in not considering the cited references. These cases do not relate to filing IDSs of the type submitted at issue and do not provide authority for the refusal to consider the cited references. The Examiner complains of the numerous docs cited. However, in several of the cited copending applications, not only did the Examiners consider all of the references, in a number of applications, the Examiner cited one or more of the references cited in the IDSs showing that the burden was not that great to make it impossible to consider the references. The Examiner is also referred to commonly owned patents 6,903,958; 6,852,583, 6,960,489 and 7,298,023 that issued on some of the so called copending applications wherein the so called numerous references cited were considered, thus showing the present action is inconsistent with the Actions of other Examiners as to the

consideration of IDSs with numerous references cited.

Also patents of other parties may be cited showing that is the common practice of the PTO to consider numerous references in an IDS. As applicants have previously stated, the materiality of the cited references as best understood by applicants has already been cited in the IDSs. As the MPEP states as quoted in applicants' request to withdraw the subject application, "When in doubt, it is desirable and safest to submit information." The Examiner is respectfully requested to consider and make of record the cited references that are erroneously excluded from such consideration. Even if applicants believe the citations are not material to patentability, due to other factors involved, it is best to submit the IDS as the Examiner is the final judge as to such materiality.

The rules do not require copies of the cited copending applications to be submitted if they are available on the PTO internal electronic system or have been published. The rules do not require the applicant to note the relevancy of English language documents.

Further, applicants submitted the international search report which identified specific references related to the instant application and noted them as A documents and submitted the PCT opinion which cites the relevancy of certain of the cited documents.

The 112 rejection over the term "predominantly"

This rejection is improper and should be withdrawn. The claim is definite. It merely states the component comprising all of the claimed elements comprising the substrate, the primary electrode, the organic semiconducting functional layer and the

secondary electrode in the component exhibit predominantly organic functional polymers. The term "predominant" means more than 50%. This is not indefinite. One of ordinary skill can easily determine if his component comprising such layers is or is not more than 50% organic functional polymers. This is not an esoteric limitation and is readily determinable. Numerous US patents have issued that call for claims with percentages of compositions in a claim. This is not indefinite terminology. In chemical claims percentage of different components are commonly given.

With respect to the objections to the product by process limitation this aspect of claim 1 is amended and this issue is believed moot. The aspects of the rejection based on formal matters is believed met and should be withdrawn.

Amended claims 1-4 are submitted for the Examiner's reconsideration.

The substantive rejection of the claims

Claim 1 is rejected as anticipated or obvious over Childers or Tanaka taken individually. Amended claim 1 is not suggested by either reference taken singly or in combination, much less anticipated thereby. Claim 1 even prior to amendment is not disclosed or suggested by Childers. The Action states Childers discloses Fig. 5 an electronic component for overvoltage protection comprising predominantly organic functional polymers 11 referring to col. 5, lines 3-7. Applicants disagree that Childers discloses this claimed subject matter. Childers discloses a composite material 11 Fig. 3 which is in combination with other elements including conductive sheets 12, leads 17, leads 21 and an insulating board substrate 22. Col 2, lines 37 to col. 3, line 19. The material 11 comprises particles 13 dispersed in a binder 14. The binder 14 is disclosed as a polymer and comprises 35% of the material 11. Col. 4, lines 30-38. This is less

than 50% and thus material 11 is not predominantly organic functional polymer as claimed in original claim 1. The Material 11 also comprises 64% conductive powder which is nickel, not a polymer as asserted and which is the predominant composition of the material 11, col. 4, lines 30-38 and lines 47-59.

However, the component comprises not only the material 11, but also the conductive sheets 12, leads 17, leads 21 and the insulating board substrate 22. Applicants have carefully reviewed this reference, which does not disclose that these elements are organic functional polymers as claimed. Plainly the entire component including the material 11 and the conductive sheets 12, leads 17, leads 21 and an insulating board substrate 22 are not disclosed as comprising predominantly organic functional polymers as claimed. Thus, original claim 1 and amended claim 1 are neither suggested nor disclosed by Childers and thus amended claim 1 is believed allowable over Childers.

Claim 1 is also rejected over Tanaka. This claim is believed not suggested nor disclosed by this reference as well. The Action asserts that Tanaka discloses an electronic component that comprises predominantly organic polymers as claimed. Amended claim 1 calls for the primary and secondary electrodes to be in spaced planes. In applicants' Fig. 1 for example the substrate 1 is a polyester film (spec. page 3, par. [0016], the primary electrode 2 which lies in one plane is organic material, the semiconducting layer 3 over the electrode 2 is organic material, and the secondary electrode 4 is also described as a polymer and lies in a plane spaced from the plane of the primary electrode. Together, the component comprising all of these elements is disclosed as predominantly organic functional material. Tanaka is foreign to this

structure.

In Tanaka, a drive transistor is disclosed for a display. The transistor has a gate electrode 2 and source – drain electrodes 5 and 6. The Action states that the threshold value is determined by the semiconductor value. This, however, is not an overvoltage protection device. It is a transistor. The claim 1 calls for a primary electrode and a secondary electrode. As amended the claim also calls for the semiconductor layer being coupled only to two electrodes to provide the given threshold. Tanaka discloses three electrodes coupled to the semiconductor. This is different.

The Action does not identify which electrode(s) of Tanaka are the primary and which are the secondary and where in the device is there an arrangement for providing threshold protection. That is not how this device works. The source and drain electrodes permit a current to flow to and therefrom through the semiconductor in the presence of an electrical signal on the gate. The semiconductor is normally not conducting. When the signal is applied to the gate a field is generated and in response, a current flows through the semiconductor path determined by the source and drain electrodes. Therefore, it is not seen what Tanaka discloses as comprising only two electrodes comprising a primary electrode and a secondary electrode coupled to the semiconductor as claimed for providing threshold protection. This device does not work this way and there are three electrodes, not two. There is also an insulation layer which is never an electrical conductor. This is a field effect device such that the presence of a field generated by a signal on the gate electrode makes the semiconductor conductive. Thus no threshold action is generated by the gate to insulator to drain-source electrodes path as no current flows therebetween on this path as would be understood by one of

ordinary skill to whom the claims and specification are directed. At best, if the drain and source electrodes are considered the primary and secondary electrodes as claimed, contrary to the express disclosure of Tanaks, they are coplanar and are not spaced in spaced planes as claimed. More importantly, the disclosed transistor is not a threshold protection device as claimed. And if so construed contrary to the express disclosure of this reference, and not as one of ordinary skill would so construe this reference in view of amended claim 1, the reference still is missing the primary and secondary electrodes as claimed in spaced planes. Thus amended claim 1 is not suggested by this reference much less anticipated thereby. The remaining references cited of record are equally foreign to amended claim 1. This claim is believed allowable.

The remaining claims 2-4 depend from claim 1 and are believed allowable for at least the same reasons.

Since claims 1-4 have been shown to be in proper form for allowance, such action is respectfully requested.

While no fee is believed due for this paper, the Commissioner is authorized to charge or credit deposit account 03 0678 for any under or over payments in connection with this paper.



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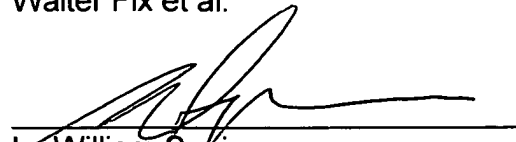
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Janice Speidel Date  
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